

Elizabeth J. Cabraser (State Bar No. 083151)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000
Facsimile: 415.956.1008
Email: ecabraser@lchb.com

Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

This Documents Relates to:
ALL CONSUMER AND RESELLER
ACTIONS

**SUPPLEMENTAL DECLARATION OF
SHANNON R. WHEATMAN, PH.D. ON
AMENDED NOTICES AND CLASS
NOTICE PROGRAM**

I, Shannon R. Wheatman, being duly sworn, hereby declare as follows:

1. I am president of Kinsella Media, LLC (“KM”), an advertising and legal notification firm in Washington, D.C. specializing in the design and implementation of notification programs to reach unidentified putative class members, primarily in consumer and antitrust class actions, and claimants in bankruptcy and mass tort litigation. My business address is 2001 Pennsylvania Avenue NW, Suite 300, Washington, D.C. 20006. My telephone number is (202) 686-4111.

2. KM was retained to design and implement the Notice Program in this litigation.

3. My credentials were previously submitted to the court in the *Declaration of Shannon R. Wheatman, Ph.D. on Adequacy of the Class Notice Program* (“Notice Program Declaration”), filed on June 28, 2016 (Dkt. No. 1609).

4. This declaration will describe revisions to the Notices and the Class Notice Program proposed for *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*.

SUMMARY OF REVISIONS TO NOTICE PROGRAM

Direct Mail Notice

5. To supplement the Direct Mail notice (described in the Notice Program Declaration), an email summarizing the Settlements will be sent to anyone who provided an email address when registering for the Volkswagen or Audi Goodwill Program.

6. The Detailed (or Long Form) Notice will also be mailed to a list of approximately 15,212 non-Volkswagen and non-Audi new car dealers and 58,167 used car dealers in the United States who may be included in the Settlements (collectively "Non-Volkswagen Dealers").

Paid Media

7. In addition to the paid media components described in my earlier Notice Program Declaration, the Short Form Notice will appear as a two-color advertisement (where available) in the weekly editions of 31 Hispanic and 27 African American newspapers. A complete list of the newspapers and circulation information is attached as **Attachment 1**.

8. The Short Form Notice will be translated into Spanish for publication in the Hispanic newspapers.

Digital Media

9. Due to space availability, KM must revise the digital advertising portion of the Class Notice Program. KM was informed that FLEETSolutions has no available digital inventory in July or August, and the National Automobile Dealers Association ("NADA") has limited inventory. To reach fleet owners and Non-Volkswagen Dealers, KM recommends using targeted advertising on LinkedIn. LinkedIn advertising will also focus on Non-Volkswagen Dealers. Third-Party Targeted Internet Advertising will now incorporate advanced targeting and dynamic ad capabilities from other industry standard third-party data sources (such as Bluekai Auto Data

and Datalogix DLX Auto) in addition to IHS Automotive (Polk)¹ data to reach Eligible Owners and Eligible Lessees.

Other Components

10. In addition to the earned media program previously described in my Notice Program Declaration, KM will email the press release and the Long Form Notice to 74 Non-Volkswagen Dealer and fleet associations and ask them to share the information with their members.

REVISED NOTICE CONTENT

11. The revised Long Form and Short Form Notices are attached as **Attachments 2 and 3**, respectively.

12. The Long Form Notice will be translated into Spanish and available at the Settlement website.

CONCLUSION

13. It is my opinion that these revisions will enhance or have no impact upon the efficacy of the Notice Plan, and the revised Notice Plan continues to provide the best notice practicable. The Class Notice Program is consistent with the standards employed by KM in notification programs designed to reach class members. The Notice Program, as designed, is fully compliant with Rule 23 of the Federal Rules of Civil Procedure.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. this 22nd day of July 2016.



Shannon R. Wheatman, Ph.D.

¹ IHS Automotive (Polk) collects and analyzes data related to vehicle registration and title information, new vehicle transactions from major auto manufacturers, and vehicle financing data.

CERTIFICATE OF SERVICE

I hereby certify that, on July 25, 2016, service of this document was accomplished pursuant to the Court's electronic filing procedures by filing this document through the ECF system.

/s/ Elizabeth J. Cabraser
Elizabeth J. Cabraser